

G. W. Haight of
LAW SERVICE, p.a.
414 E Coeur d'Alene Avenue
PO Box 962
Coeur d'Alene ID 83816-0962

U.S. DISTRICT COURT
Mar 01
1998
FILED
CLERK

Attorney for Debtors

UNITED STATES BANKRUPTCY COURT DISTRICT OF IDAHO

In re: In Proceedings Under Chapter 13
SULLIVAN, Robin Case No 98-30117

Debtor

APPLICATION FOR FEES AND
DECLARATION OF G.W. HAIGHT IN SUPPORT THEREOF

TO THE HONORABLE TERRY L. MYERS, UNITED STATES BANKRUPTCY JUDGE:

Pursuant to 11 USC §330, *In re McHaley*, 95 IBCR 107 (1995), 11 USC §329, BR 2016 and Appendix A to Part 58, Title 28, CFR, as applicable, the undersigned G.W. HAIGHT of LAW SERVICE, p.a., hereby makes application for interim fees and expenses. In support of such application, Applicant states the following:

1. The above-entitled estate commenced with the filing of a Petition for Relief under Chapter 13 of the Bankruptcy Code on March 16, 1998. Applicant is counsel of record for the above-named Debtor. Applicant was admitted to the practice of law in 1968.

2. Applicant was retained by Debtor on March 10, 1998 and services commenced as of that date pursuant to the terms of a retainer agreement whereby Applicant agreed to prepare and file a Chapter 13 Bankruptcy and Plan and to attend Debtor's 341 Meeting and first Confirmation Hearing. Such services were to be provided for a fixed fee of \$1,100.00, inclusive of a filing fee of \$160, of which \$500.00 was paid from Debtor's earnings prior to filing. Pursuant to the retainer agreement, additional services are to be billed by the attorney at \$95.00 per hour and by legal assistants at \$45.00 per hour. Such billing rates remain unchanged. There are no budgetary or other limitations on fees. Employment was not required to be approved. Pursuant to the retainer agreement with Debtor,

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\$600.00 of attorney fees was included in Debtor's initial Chapter 13 plan to be paid pursuant to the terms of the plan. Total fees and expenses subsequently (after plan filing) applied for by Applicant in this case have been \$0.00. Total fees and expenses paid to date are \$500.00. Of such fees and expenses paid to date \$500.00 of such fees and expenses were paid by Debtor from earnings and \$0.00 have been paid by the Chapter 13 trustee. Since the last fee application, if any, filed in this case by Applicant, the Applicant and paraprofessionals of Applicant's Firm have performed certain services at the request of the Debtor or as necessary for confirmation and completion of Debtor's plan. Such services and expenses associated therewith are set forth in Exhibit "A", attached hereto and incorporated herein by reference as though fully set forth herein. The reasonable value of services performed and expenses incurred since this case was filed and as of the date hereof is \$1,905.73. Of that amount, \$1,405.73 remains unpaid. Accordingly, Applicant hereby requests approval of payment of such fees and expenses incurred to date of which \$1,405.73 are to be paid by the Trustee through the plan. If such fees and expenses are approved, Applicant will have received a total of \$1,905.73 for services rendered and expenses incurred in this case.

3. The time and rates for time spent on services for Debtor are reflected on Exhibit "A". As required, time reflected in Exhibit A has been billed in tenths of an hour to the extent possible and *de minimus* time of 1/2 hour per day or less has been combined

4. This is a Chapter 13 individual bankruptcy case and the services reflected in Exhibit "A" were necessary to the administration of, or beneficial toward completion of, this case and for Debtor at the time the services were rendered.

5. The services reflected in Exhibit "A" were performed within a reasonable amount of time commensurate with the complexity, importance and nature of the matter addressed. Charges for this fee application are commensurate with the skill level reasonably required to the prepare the same as reflected in Exhibit "A".

6. The compensation sought is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

7. The names of the paraprofessionals performing services for Debtor are Corliss Dattel and Susan Ayerle.

8. No agreement or understanding exists between Applicant and any other entity for the sharing of such compensation as is received in connection with this case, except for the understanding concerning compensation among members of the Firm.

9. This application has been served on Debtor and has not been approved by Debtor as of this date.

10. There are not court orders allowing fee applications in this case in less than 120 days. The dates of previous orders allowing compensation are not applicable

11. Applicant has \$0.00 cash on hand or on deposit to pay these fees. The amount held by the trustee for such purposes is unknown

12. The amount and nature of accrued and unpaid administrative expense is unknown

13. Expenses included in this application have been prorated and no expenses have been surcharged. Expenses are not fixed by local rule or court order. Expenses charged are reasonable and economical and commensurate with charges to non bankruptcy clients with the exception of fees which are charged by third parties and not subject to control by Applicant. Applicant express no opinion with respect to such expenses.

14. A Summary Sheet is not attached hereto as Exhibit B.

15. Additional affidavit(s) substantiating compensation sought is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under Title 11, USC are not attached.

WHEREFORE, Applicant prays for an Order of this Court allowing additional fees and expenses of \$1,905.73 of which \$1,405.73 shall be paid by the Trustee through the plan and \$0.00 shall be paid directly by the Debtor (to the extent not paid prior to the date of such order), together with such other and further relief as the Court deems just and proper.

DATED: 5/1, 1999

LAW SERVICE, p.a.

By: 

G.W. HAIGHT

Attorney for Debtors

DECLARATION OF G. W. HAIGHT


I, G.W. HAIGHT, of LAW SERVICE, p.a., declare as follows:

1. I am an attorney with LAW SERVICE, p.a., representing the Debtor in the above-entitled estate. The facts contained herein are of my own personal knowledge and if called upon to testify I could and would competently testify thereto.

2. I have read the foregoing Application for Fees and I am of the information and belief the matters stated therein are true and accurate.

I declare under penalty of perjury the foregoing to be true and correct to the best of my information, knowledge and belief.

Executed March 1, 1999, at Coeur d'Alene, Idaho.


G. W. HAIGHT
Attorney at law

NOTICE OF HEARING

PLEASE TAKE NOTICE that on _____, 1999, at the hour of _____ o'clock, __m., or as soon thereafter as counsel can be heard, at the above named Court located at a courtroom of the U. S. District Court for the District of Idaho, _____, Idaho, the foregoing APPLICATION FOR FEES will be called up for disposition by the Court.

DATED: March 01, 1999

By: _____
G. W. Haight, Attorney

CERTIFICATE OF SERVICE

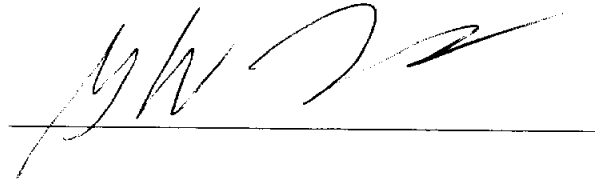
The undersigned does hereby certify that on March 1, 1998, I gave notice of the foregoing APPLICATION FOR FEES AND DECLARATION OF G.W. HAIGHT IN SUPPORT THEREOF by causing the foregoing to be mailed by first class mail, postage paid thereon, to the following:

OFFICE OF THE U.S. TRUSTEE
PO Box 110
Boise ID 83701

C. BARRY ZIMMERMAN
Chapter 13 Trustee
PO Box 1315
Coeur d'Alene ID 83816

SULLIVAN, Robin

1413 Elm Street
Clarkston, WA 99403



LS1363b.FeeApp1
3/1/99gwh

| | A | B | C | D | E | F |
|----|---|--|----------|---------|----------|------------|
| 1 | Statement For Post Petition Bankruptcy Services Rendered: | | | | | |
| 2 | | ROBIN SULLIVAN BL1797.98 Disk 1519b | | | | |
| 3 | Provider Code: | | | Rate | | |
| 4 | | Attorney: | A | \$1.58 | | |
| 5 | | Legal Assistant: | LA | \$0.58 | | |
| 6 | | | | | | |
| 7 | | | Provider | Time | | |
| 8 | Date | Service | Code | Minutes | Rate | Total |
| 9 | March 10, 1998 | Initial consult. | a | 0 | \$0.00 | \$0.00 |
| 10 | March 13, 1998 | Prep. face page filing | la | 30 | \$17.50 | \$17.50 |
| 11 | March 16, 1998 | Filing Fee | | | \$160.00 | \$177.50 |
| 12 | March 19, 1998 | Filed face page. Called client and advised to | la | 25 | \$14.58 | \$192.08 |
| 13 | | send in creditors | | | \$0.00 | \$192.08 |
| 14 | March 19, 1998 | Rev. ltr fr. D. Gittins, atty. | a | 20 | \$31.67 | \$223.75 |
| 15 | March 19, 1998 | Went over case w/Judy. Have to get client to | | | \$0.00 | \$223.75 |
| 16 | | get creditors in before end of month | la | 15 | \$8.75 | \$232.50 |
| 17 | March 20, 1998 | Rev. ltr fr. D. Gittins | la | 10 | \$5.83 | \$238.33 |
| 18 | March 23, 1998 | Called and left msg for client to call office | la | 6 | \$3.50 | \$241.83 |
| 19 | March 25, 1998 | Called and left urgent message | la | 6 | \$3.50 | \$245.33 |
| 20 | March 25, 1998 | Sent ltr to client to call office asap. | la | 18 | \$10.50 | \$255.83 |
| 21 | March 27, 1998 | Teleconf/client | la | 20 | \$11.67 | \$267.50 |
| 22 | April 07, 1998 | Reviewed info. sent by client, data entry | la | 45 | \$26.25 | \$293.75 |
| 23 | April 10, 1998 | Appt. w/client. Rev. questionnaire; printed pet. | la | 240 | \$140.00 | \$433.75 |
| 24 | | revisions, printing and reprinting, revisions. | | | | \$433.75 |
| 25 | April 10, 1998 | Worksheet and Plan | la | 30 | \$17.50 | \$451.25 |
| 26 | April 14, 1998 | Reminder card for 341 | la | 20 | \$11.67 | \$462.92 |
| 27 | April 14, 1998 | Review and approve and sign filing | a | 60 | \$95.00 | \$557.92 |
| 28 | April 15, 1998 | Filed balance of bankruptcy w/court | la | 20 | \$11.67 | \$569.58 |
| 29 | April 17, 1998 | Mail Plan to Creditors | la | 60 | \$35.00 | \$604.58 |
| 30 | | Postage | | | \$12.16 | \$616.74 |
| 31 | May 04, 1998 | Telecon/client re: default | a | 16 | \$25.33 | \$642.08 |
| 32 | May 04, 1998 | Respond to atty ltr of 3-12-98 | a | 10 | \$15.83 | \$657.91 |
| 33 | May 05, 1998 | Attend 341 Meeting | a | 30 | \$47.50 | \$705.41 |
| 34 | May 07, 1998 | Rev. ltr and claim of Ed Coombes | la | 6 | \$3.50 | \$708.91 |
| 35 | May 07, 1998 | Rev. Coombes claim | a | 18 | \$28.50 | \$737.41 |
| 36 | May 08, 1998 | Conf. w/GWH re: Coombes claim | la | 10 | \$5.83 | \$743.24 |
| 37 | May 08, 1998 | Conf w/assistant re: Coombes claim | a | 10 | \$15.83 | \$759.08 |
| 38 | May 12, 1998 | Rev. ltr fr. D. Gittins, atty | a | 12 | \$19.00 | \$778.08 |
| 39 | May 15, 1998 | Rev. ltr fr. Gittins | a | 6 | \$9.50 | \$787.58 |
| 40 | May 19, 1998 | Rev ltr fr. Gitting | a | 6 | \$9.50 | \$797.08 |
| 41 | May 20, 1998 | Teleconf/Tim Callery, atty | la | 6 | \$3.50 | \$800.58 |
| 42 | May 22, 1998 | Left msg. for T. Callery | a | 6 | \$9.50 | \$810.08 |
| 43 | May 22, 1998 | Ltr to client re: mtg pmts | la | 23 | \$13.42 | \$823.49 |
| 44 | June 05, 1998 | Ltr to client re: mtg. pmts | a | 30 | \$47.50 | \$870.99 |
| 45 | June 08, 1998 | rev. Mot to terminate Auto. Stay | a | 30 | \$47.50 | \$918.49 |
| 46 | June 09, 1998 | Attend Confirmation hearing | a | | \$0.00 | \$918.49 |
| 47 | June 22, 1998 | Ltr. to cli re: petition | la | 30 | \$17.50 | \$935.99 |
| 48 | June 24, 1998 | Review hearing reschedule | la | | \$0.00 | \$935.99 |
| 49 | July 02, 1998 | Prep. Obj. to Motion | la | 90 | \$52.50 | \$988.49 |
| 50 | July 02, 1998 | Rev. and revise Obj | a | 18 | \$28.50 | \$1,016.99 |
| 51 | July 02, 1998 | Mail Obj. | la | 23 | \$13.42 | \$1,030.41 |
| 52 | | Postage | | | \$1.38 | \$1,031.79 |
| 53 | July 03, 1998 | Teleconf/cli re: creditors | la | 8 | \$4.67 | \$1,036.46 |
| 54 | July 06, 1998 | Teleconf/cli re: Coombes taking pics of her bac | la | 18 | \$10.50 | \$1,046.96 |

| | A | B | C | D | E | F |
|-----|--------------------|---|-----|------|----------|------------|
| 55 | | yard. | | | \$0.00 | \$1,046.96 |
| 56 | July 08, 1998 | Rev. fax from cli re: income | a | 6 | \$9.50 | \$1,056.46 |
| 57 | July 08, 1998 | Attend 351 hearing | a | 30 | \$47.50 | \$1,103.96 |
| 58 | July 13, 1998 | Rev. ltr. from Callery, atty | a | 6 | \$9.50 | \$1,113.46 |
| 59 | July 13, 1998 | Forward ltr to client | la | 18 | \$10.50 | \$1,123.96 |
| 60 | August 13, 1998 | Extended teleconf/client and Rhonda re: claims | a | 40 | \$63.33 | \$1,187.29 |
| 61 | | Arthur Callery. | | | \$0.00 | \$1,187.29 |
| 62 | August 13, 1998 | Memo to file | a | 15 | \$23.75 | \$1,211.04 |
| 63 | August 13, 1998 | Type memo to file | la | 18 | \$10.50 | \$1,221.54 |
| 64 | August 14, 1998 | Rev. fax from Callery, atty | a | 6 | \$9.50 | \$1,231.04 |
| 65 | August 18, 1998 | Review and revise memo | a | 6 | \$9.50 | \$1,240.54 |
| 66 | August 19, 1998 | Made revisions to memo | la | 12 | \$7.00 | \$1,247.54 |
| 67 | August 20, 1998 | Prep. amended schedules | la | 30 | \$17.50 | \$1,265.04 |
| 68 | August 20, 1998 | Teleconf/cli re: getting tax info from her and | la | 6 | \$3.50 | \$1,268.54 |
| 69 | | amended schedules | | | \$0.00 | \$1,268.54 |
| 70 | August 28, 1998 | Ltr to client re: claim | a | 10 | \$15.83 | \$1,284.37 |
| 71 | September 23, 1998 | Rev. Trust. Mot. to Dismiss | a | 5 | \$7.92 | \$1,292.29 |
| 72 | September 24, 1998 | Rev. fax from client, send fax response. w/copy | a | 20 | \$31.67 | \$1,323.96 |
| 73 | | to Trustee | | | \$0.00 | \$1,323.96 |
| 74 | September 24, 1998 | Faxes sent - 4 pg. | | | \$4.00 | \$1,327.96 |
| 75 | September 28, 1998 | Rev. fax from client. Copied claims and too to | la | 20 | \$11.67 | \$1,339.62 |
| 76 | | Trustee | | | \$0.00 | \$1,339.62 |
| 77 | October 02, 1998 | Prep. amended Sched's & faxed to client for re | la | 20 | \$11.67 | \$1,351.29 |
| 78 | | fax - 5 pg. | | | \$5.00 | \$1,356.29 |
| 79 | October 07, 1998 | Fax to client requesting response. | la | 20 | \$11.67 | \$1,367.96 |
| 80 | | fax - 1 pg | | | \$1.00 | \$1,368.96 |
| 81 | October 08, 1998 | Rev. fax from client. Revised schedules and | la | 60 | \$35.00 | \$1,403.96 |
| 82 | | Plan. Gave to G.W. for review. | | | \$0.00 | \$1,403.96 |
| 83 | October 14, 1998 | Letter, amended plan, Sch. I&J to client | la | 30 | \$17.50 | \$1,421.46 |
| 84 | October 23, 1998 | Review Plan Returned from Client | la | 15 | \$8.75 | \$1,430.21 |
| 85 | October 24, 1998 | Fax copy of plan to Trustee | | | \$0.00 | \$1,430.21 |
| 86 | | Fax copy of plan to Creditor Callery | la | 15 | \$8.75 | \$1,438.96 |
| 87 | December 15, 1998 | Called Trust re status | la | 5 | \$2.92 | \$1,441.87 |
| 88 | | Prepare and send ltr to Trustee re calculations | la | 18 | \$10.50 | \$1,452.37 |
| 89 | December 17, 1998 | File Amended Sch. I & J | la | 30 | \$17.50 | \$1,469.87 |
| 90 | December 30, 1998 | Met with Tr. Rep re claims amounts | la | 15 | \$8.75 | \$1,478.62 |
| 91 | December 30, 1998 | Called Valley Collection re Munic. Court | la | 18 | \$10.50 | \$1,489.12 |
| 92 | December 30, 1998 | Called Callery re Coombes claim | la | 12 | \$7.00 | \$1,496.12 |
| 93 | December 30, 1998 | Fax to Callery's office | la | 20 | \$11.67 | \$1,507.79 |
| 94 | January 27, 1999 | Prepare Amended Plan & Motion per Tr | | | | \$1,507.79 |
| 95 | | Request | la | 120 | \$70.00 | \$1,577.79 |
| 96 | April 17, 1998 | Mail Plan to Creditors | la | 60 | \$35.00 | \$1,612.79 |
| 97 | | Postage | | | \$13.44 | \$1,626.23 |
| 98 | | Photocopies | 168 | 0.25 | \$42.00 | \$1,668.23 |
| 99 | February 28, 1999 | Prepare Fee Application | a | 120 | \$190.00 | \$1,858.23 |
| 100 | March 01, 1999 | Rev plan pymnt & other conf. issues w/ trustee | a | 30 | \$47.50 | \$1,905.73 |
| 101 | Fees.slk | | | | | |